

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	8:07CR297
Plaintiff,)	
)	
vs.)	ORDER
)	
PAUL CHARLES WOZNIAK,)	
)	
Defendant.)	

This matter is before the Court on the motion of defendant Paul Charles Wozniak (Wozniak) for a continuance (Filing No. 18). The motion seeks additional time in which to file a motion to suppress and for a continuance of the trial date currently set for November 5, 2007. The motion does not comply with NECrimR 12.1(a) and 12.3(a) and paragraph 9 of the Progression Order (Filing No. 8) in that the motion is not accompanied by the defendant's affidavit or declaration stating that defendant:

- (1) Has been advised by counsel of the reasons for seeking an extension;
- (2) Understands that the time sought by the extension may be excluded from any calculation of time under the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.*; and
- (3) With this understanding and knowledge, agrees to the filing of the motion.

Should Wozniak comply with NECrimR 12.3(a), the court will establish a deadline for filing a motion to suppress, continue the trial date pending the disposition of any such motion to suppress or to such time as is needed to prepare for trial, and exclude time under the Speedy Trial Act.

Accordingly, the motion (Filing No. 14) is :

- (X) Held in abeyance pending compliance with NECrimR 12.1(a) and 12.3(a) and Paragraph 9 of the Progression Order. Absent compliance **on or before October 29, 2007**, the motion will be deemed withdrawn and termed on the docket.
- () Denied.

IT IS SO ORDERED.

DATED this 17th day of October, 2007.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge